

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DONALD J. RICHARD
Plaintiff

V.

**INDUSTRIAL COMMERCIAL
ELECTRICAL CORPORATION**
Defendant

CIVIL ACTION NO.
04-40066-NMG

ORDER

The Plaintiff, Donald J. Richard filed a verified complaint with a request for a Preliminary Injunction, and after notice and hearing the Court finds and rules that the Plaintiff has demonstrated that: (1) without the relief hereby granted he would suffer irreparable harm that it is not capable of remediation by a final judgment in law or equity, and (2) there is a likelihood he will prevail on the merits. The Court finds and rules further, that after balancing these factors, the risk of irreparable harm to the Plaintiff, in light of his chance of success outweighs the probable harm to the Defendant . Accordingly, the Defendant Industrial Commercial Electrical Corporation (ICE) is hereby ordered to:

(1) Maintain the status quo with respect to the Plaintiff's coverage under the Defendant's Health Insurance Plan;

(2) To take no action which would interfere with or jeopardize the Plaintiff, Donald J. Richard's right to make an election under the Consolidated Omnibus Budget

Reconciliation Act (COBRA) 29 U.S.C. § 1161 et seq. to have continuing family coverage under the Defendant's Health Insurance Plan;

(3) The Defendant, Industrial Commercial Electrical Corporation shall allow Donald Richard to make an election under the Consolidated Omnibus Budget Reconciliation Act (COBRA) 29 U.S.C. § 1161 et seq, and to have continuing coverage under Defendant's health insurance plan until either the case is determined on its merits or until 18 months from the Plaintiff's termination date.

(4) The Court further orders that for good cause , Plaintiff is not required to give security.

This Order is granted until further Order of the Court.

Dated:

Nathaniel M. Gorton
U.S.D.J.

I HEREBY CERTIFY THAT A TRUE COPY OF
THE ABOVE DOCUMENT WAS SERVED
UPON THE ATTORNEY OF RECORD FOR
EACH (OTHER) PARTY BY MAIL ON May 19, 2004
SIGNATURE [Signature]